

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

ELOISA OCHOA

V

COMMONWEALTH EDISON COMPANY

Complaint as to obtaining meter)  
information in Cicero, Illinois)

Chicago, Illinois

January 18, 2011

Met pursuant to notice at 11:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MS. ELOISA OCHOA

MS. YAICERA HERRERA

2324 South 58th Court

Cicero, Illinois

appeared pro se, telephonically;

MR. MARK L. GOLDSTEIN

3019 Province Circle

Mundelein, Illinois 60060

appeared for Respondent.

SULLIVAN REPORTING COMPANY, by  
Teresann B. Giorgi, CSR

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I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Examiner</u>
NONE					

E X H I B I T S

<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1 JUDGE RILEY: Pursuant to the direction  
2 of the Illinois Commerce Commission I call  
3 Docket 10-0709. This is a complaint by Eloisa Ochoa  
4 versus Commonwealth Edison Company as to obtaining  
5 meter information in Cicero, Illinois.

6 Ms. Herrera, you state that you are  
7 Ms. Ochoa's daughter?

8 MS. HERRERA: Yes.

9 JUDGE RILEY: And that you filled out the  
10 complaint on behalf of Ms. Ochoa?

11 MS. HERRERA: I did not fill it out myself  
12 personally. She did.

13 JUDGE RILEY: Her handwriting and her English  
14 are impeccable in writing.

15 MS. HERRERA: Let me ask her who wrote it then.

16 Her friends helped her out.

17 JUDGE RILEY: And can Ms. Ochoa at least  
18 represent that it is her signature that appears on  
19 the complaint?

20 MS. HERRERA: Yeah, that is her signature. I  
21 mean, her friends helped her out. The signature is  
22 hers.

1 JUDGE RILEY: All right. Thank you.

2 Now, you're going to have to act as a  
3 translator in this matter.

4 MS. HERRERA: Okay.

5 JUDGE RILEY: It's my understanding that  
6 Ms. Ochoa needs a permit from the town of Cicero to  
7 do some repairs to her basement that were caused due  
8 to flooding.

9 MS. HERRERA: Exactly. Yes.

10 JUDGE RILEY: And one of the things she needs to  
11 know is what year her Commonwealth Edison's meters  
12 were installed.

13 MS. HERRERA: Correct. They're requesting that  
14 information from the town of Cicero. She needs that  
15 information.

16 JUDGE RILEY: Oh, I'm sorry. Let me get an  
17 appearance from you, Mr. Goldstein.

18 MR. GOLDSTEIN: On behalf of Commonwealth Edison  
19 Company, Mark L. Goldstein, 3019 Province Circle,  
20 Mundelein, Illinois 60060. My telephone number is  
21 847-949-1340.

22 I have with me today Monica Merino of

1 ComEd.

2 JUDGE RILEY: And it's my understanding,  
3 Mr. Goldstein, that -- well, I'll let you tell it.

4 What is Commonwealth Edison's position  
5 here?

6 MR. GOLDSTEIN: Yeah. My understanding is that  
7 the complainant, Ms. Ochoa, is seeking meter  
8 information back to 1964. Perhaps her daughter can  
9 verify that. Our meter records do not go back that  
10 far, unfortunately. The latest record that we have  
11 is that the meter at Ms. Ochoa's residence was  
12 replaced in 2000.

13 MS. MERINO: No, no, no.

14 There are 2 meters associated with the  
15 account. The first one is Meter 092827510, this  
16 meter was set January 17 of 1994. The second meter  
17 referenced to the account is Meter No. 999689875 and  
18 that meter was set on April 25, 2000. And that is  
19 the meter information that ComEd right now has  
20 regarding the premise at 2324 South 58th Street in  
21 Cicero, Illinois 60804.

22 JUDGE RILEY: Does that say "Street" or "Court"?

1 MS. HERRERA: It's Court.

2 MS. MERINO: It's Court.

3 MS. HERRERA: So one was 1994 and the other one  
4 in 2000?

5 MS. MERINO: That is correct.

6 JUDGE RILEY: Now, what does Ms. Ochoa need from  
7 Commonwealth Edison to take to the town of Cicero in  
8 order to get the permit?

9 MS. HERRERA: Let me ask her.

10 (Short pause.)

11 MS. HERRERA: Okay. She says that when she  
12 purchased the house back in 1993 --

13 JUDGE RILEY: Excuse me, ma'am, purchased what  
14 year?

15 MS. HERRERA: She purchased the house in 1993.

16 JUDGE RILEY: '93. Thank you.

17 MS. HERRERA: Now, the town of Cicero wants to  
18 know if the meters were installed prior to her  
19 purchasing the house because they want to know --  
20 they want to make sure that she didn't put --  
21 replaced the meters herself. So they want to know  
22 that the meters were installed before she even

1 purchased the house.

2 JUDGE RILEY: Well, according to the information  
3 that was just given to us by Commonwealth Edison, it  
4 appears that they were installed after she purchased  
5 the house. If she purchased the house '93 --

6 MS. HERRERA: Yes.

7 JUDGE RILEY: -- and their information says that  
8 the meters were installed in January of '94 and  
9 April of 2000, then they were obviously installed  
10 after the purchase of the house.

11 But can Commonwealth Edison give any  
12 kind of a guarantee or an affidavit to Ms. Ochoa  
13 that it was Commonwealth Edison that did the  
14 installation?

15 MS. MERINO: Yes, that it's a Commonwealth  
16 Edison meter.

17 MS. HERRERA: Hold on a second.

18 (Short pause.)

19 MS. HERRERA: So, okay -- so when the house was  
20 built there's no record when it was installed for  
21 the very first time? Not when they changed them,  
22 but when it was very first installed when the house

1 was built?

2 JUDGE RILEY: I don't think that -- do you know  
3 when the house built?

4 MS. HERRERA: She does not know what year the  
5 house was built.

6 JUDGE RILEY: I don't even know why that would  
7 be an issue because Commonwealth Edison's records  
8 have the dates of the meter installation and they're  
9 Commonwealth Edison's meters, installed by  
10 Commonwealth Edison.

11 MS. HERRERA: Okay. So you're telling me that  
12 when she purchased the house in 1993, there were no  
13 meters installed? There was no meters at all? And  
14 they worked for the very first time in 1994?

15 JUDGE RILEY: Or were the meters up to date  
16 meters installed? Old ones taken out and new  
17 ones --

18 MS. MERINO: All ComEd has --

19 MS. HERRERA: So she needs to know when the old  
20 ones were installed then prior to when she bought  
21 the house.

22 JUDGE RILEY: That's the information they don't



1 have.

2 MS. MERINO: ComEd has information, and this is  
3 pursuant to Section 410.110 of the meter records of  
4 the Illinois Administrative Code, ComEd is in  
5 compliance in obtaining meter records and the meter  
6 records that we have in compliance with the Illinois  
7 Administrative Code is that the first meter that we  
8 can identify was set on January 17 of 1994.

9 JUDGE RILEY: And the other one was April 25 of  
10 2000.

11 MS. MERINO: Yes. And that is the only  
12 information that I was able to find.

13 JUDGE RILEY: That's the problem, Ms. Herrera,  
14 is that there is no other information available from  
15 ComEd as to what other meters were installed and  
16 when. And I don't understand why the town of Cicero  
17 would be concerned about that.

18 Why would they want to know when the  
19 original meters were installed if they are no longer  
20 in the home?

21 MS. HERRERA: The reason that the town of Cicero  
22 wants to know when the very first meters were

1 installed is because when my mom purchased the house  
2 back in '93, the house was sold to her as a 2-unit  
3 house because it had 2 meters. Now, they're telling  
4 her that she cannot do repairs on the basement  
5 because it's a 1-unit house now. It's a  
6 single-family home. And that's what she's trying  
7 to, you know, arrange with them because she wants to  
8 fix her basement and they're not letting her do  
9 construction because it's a single-family home that  
10 she wants to rent out for 2 units because it has 2  
11 meters. So they're requesting when the 2 meters  
12 were installed for the very first time.

13 JUDGE RILEY: It doesn't make it any clearer  
14 from my standpoint, but we're right back from where  
15 we started from. Commonwealth Edison doesn't have  
16 any information with regard to the original meters  
17 in that home. It just doesn't exist.

18 MS. HERRERA: Because when she purchased the  
19 house in '93, the house had 2 meters, 1 for the  
20 basement and 1 for the first floor. And then that's  
21 what they want to know, when the 2 meters were  
22 installed because then they would be able to tell it

1 was a 2-unit house, not a single-family home.

2 And you're telling me it was replaced  
3 in '94, which was after she purchased the house. It  
4 makes it seems like she purchased the house and then  
5 the meters were replaced.

6 JUDGE RILEY: Ms. Merino, you said that there  
7 was no replacement?

8 MS. MERINO: Well, my sheet only says when they  
9 were set.

10 JUDGE RILEY: When you say "set" you mean  
11 installed?

12 MS. MERINO: Installed.

13 JUDGE RILEY: Right.

14 MS. MERINO: The Meter No. 092827510 was set,  
15 was installed, in January 17 of 1994. And the other  
16 meter that's right now the only one that's active  
17 right now is Meter No. 999689875 was installed in  
18 April 25 of 2000. And that is the only information  
19 that ComEd has right now.

20 JUDGE RILEY: And the meter that was installed  
21 January 17, '94, is not active?

22 MS. MERINO: It was removed.

1 JUDGE RILEY: It was removed.

2 Ms. Herrera, that's where we are right  
3 now. There's only 1 active meter in that home. It  
4 was installed April 25, 2000. Commonwealth Edison  
5 states that they have no information --

6 MS. HERRERA: So if there's only 1 meter, how  
7 come all this time since 2000, they say it was  
8 installed, and it's already 2011, there's 2 separate  
9 billings. So people downstairs get their own bill  
10 and we get our own bill. So you guys are billing  
11 2 separate billings from 1 meter?

12 MS. MERINO: Maybe one was removed when the  
13 flooding happened, I don't know. I don't have --

14 MS. HERRERA: Nothing has been removed since the  
15 flooding.

16 JUDGE RILEY: Ms. Herrera, maybe you can explain  
17 to me this, there's a basement, a first floor and a  
18 second floor to this structure?

19 MS. HERRERA: No, no. It's the first floor,  
20 which is the home and then there's a basement, which  
21 would be the basement floor. So there's only 2  
22 units.

1 JUDGE RILEY: And someone is living in the  
2 basement?

3 MS. HERRERA: Not currently because of a  
4 flooding. Prior to that what we did have was people  
5 living in the basement and they were getting their  
6 own separate bill from ComEd and we were getting our  
7 own separate bill for up here.

8 So that's what I'm saying is, if  
9 there's only 1 meter, so you guys were charging 2  
10 people -- 2 different people from the same meter?

11 MS. MERINO: I don't have the information when  
12 the meter was removed with me.

13 JUDGE RILEY: Okay.

14 MS. MERINO: I only have the information when  
15 the meters were set.

16 JUDGE RILEY: Is any of this going to answer  
17 their basic question which is, when were the  
18 original meters installed? That, apparently, is  
19 what they need to know.

20 MS. HERRERA: I don't know how you guys don't  
21 have the information when the very first meters were  
22 installed, the old one. I mean, shouldn't you keep

1 a record of all your meters even if it's, you know,  
2 like old ones? You guys should probably have  
3 records of that.

4 MR. GOLDSTEIN: The problem is, Ms. Herrera,  
5 that what you're seeking is records that go back 40  
6 years or more. The Company doesn't keep the records  
7 in that form. You know, times have changed. And  
8 the Company is not required under the Commission's  
9 rules to keep records that long and so they don't.

10 JUDGE RILEY: So my question is, where do we go  
11 from here?

12 MS. HERRERA: Hold on.

13 (Short pause.)

14 MS. HERRERA: She said that if you just go ahead  
15 and send over the information to the town of Cicero,  
16 whatever information you have from 1994 or 2000 and,  
17 hopefully, they will be okay with that and, you  
18 know, let her start her construction on it. I mean,  
19 whatever information you have, hopefully, they'll be  
20 okay with it.

21 JUDGE RILEY: To send it to the town of Cicero?

22 MS. HERRERA: Yes.

1       MR. GOLDSTEIN: They would send it to her.

2       JUDGE RILEY: They would send the information to  
3 Ms. Ochoa. She can take that to the town of Cicero.

4       MS. HERRERA: That's fine. You can send it to  
5 us and then we'll just go ahead and take it to them.

6       MR. GOLDSTEIN: What I suggest, Judge, is that  
7 Commonwealth Edison Company file a motion to dismiss  
8 the complaint. And as part of the dismissal, we  
9 would provide an affidavit from Ms. Merino setting  
10 forth what the issue is with the meters and what  
11 information the Company has.

12       MS. HERRERA: Is there anyway that you could  
13 state on there that there were meters before 1994?  
14 Old ones that were removed and then they were  
15 changed in '94, but at least there were some meters  
16 before that time? Maybe that would help out, too.

17       MS. MERINO: I'll have to go back to the Company  
18 and find out the meter shop department.

19       JUDGE RILEY: You'd have to find out whether or  
20 not that that would be accurate.

21       MS. MERINO: Yeah. Before I start signing  
22 stuff.

1 JUDGE RILEY: Well, let's do it on that basis,  
2 then.

3 MR. GOLDSTEIN: Why don't we get another date,  
4 Judge, and I'll file the motion in between.

5 JUDGE RILEY: All right.

6 MR. GOLDSTEIN: Put it out at least 30 days, if  
7 you would.

8 JUDGE RILEY: Oh, yes.

9 This is January 18. Why don't I move  
10 it to Wednesday, February 16.

11 MR. GOLDSTEIN: That's fine.

12 JUDGE RILEY: Ms. Herrera --

13 MS. HERRERA: Yes.

14 JUDGE RILEY: -- will you be available on the  
15 16th to translate again?

16 MS. HERRERA: On the 16th?

17 MR. GOLDSTEIN: Of February.

18 JUDGE RILEY: Of February.

19 MS. HERRERA: Yes, I'll be here.

20 Did you answer my question? Would it  
21 be possible to write down that there were meters  
22 prior to 1994?



1 JUDGE RILEY: That's what Ms. Merino is going to  
2 have to check with the meter shop at Commonwealth  
3 Edison.

4 MS. HERRERA: Okay.

5 JUDGE RILEY: She's going to have to find that  
6 out.

7 MR. GOLDSTEIN: The 16th --

8 MS. HERRERA: At least if they see there were  
9 meters before she even purchased the house --

10 JUDGE RILEY: Right.

11 MS. HERRERA: -- you know what I'm saying? At  
12 least that would help out even if you don't have the  
13 specific dates.

14 JUDGE RILEY: Okay.

15 MS. MERINO: I'll try my best.

16 MR. GOLDSTEIN: Could we make it like 1:00  
17 o'clock on the 16th. I have an 11:00 o'clock.

18 MS. MERINO: Do it at noon.

19 MR. GOLDSTEIN: Or noon, either one.

20 JUDGE RILEY: Why couldn't you do it at 10:00?

21 MR. GOLDSTEIN: 10:00 o'clock is fine.

22 JUDGE RILEY: 10:00 o'clock on the 16th?

1 MR. GOLDSTEIN: Okay.

2 MS. HERRERA: 10:00 a.m.?

3 JUDGE RILEY: 10:00 a.m. on February 16, right.

4 MS. HERRERA: So then you'll send us over the

5 paper -- the paper to us, right?

6 MR. GOLDSTEIN: Right.

7 JUDGE RILEY: Yes, they will.

8 MS. HERRERA: All right. That's fine.

9 JUDGE RILEY: All right, then, we'll leave it at

10 that.

11 I will continue this matter to

12 February 16, Wednesday, at 10:00 a.m., and we'll

13 reconvene at that time and see if the matter has

14 been resolved.

15 MR. GOLDSTEIN: And that's for status, Judge?

16 JUDGE RILEY: That's for status, correct.

17 Ms. Herrera, thank you very much.

18 MS. HERRERA: Thank you.

19 (Whereupon, the above-entitled

20 matter was continued to

21 February 16, 2011.)

22